

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ROSA FUENTES, SP 2014-BR-147 Appl. under Sect(s). 8-305 and 6-303 of the Zoning Ordinance to permit a home child care facility. Located at 6105 Calico Pool Ln., Burke, 22015, on approx. 1,429 sq. ft. of land zoned PRC. Braddock District. Tax Map 77-4 ((5)) 141. Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 11, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is PRC.
3. The lot area is 1,429 square feet.
4. The Board has documentation from the homeowners association indicating they interpose no objection to the home child care business, as long as Fairfax County approves it.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Rosa Fuentes, and is not transferable without further action of the Board, and is for the location indicated on the application, 6105 Calico Pool Lane, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled "Plat Showing House Location Survey, Lot 141, Section 13B, Burke Centre," prepared by Charles E. Janson, L.S., of Suburban Development Engineering, dated March, 5, 1990, as revised by the applicant R. Flores, and accepted by the Department of Planning and Zoning on July 16, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

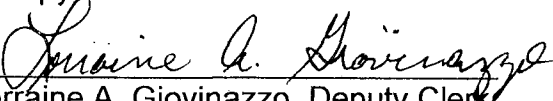
4. The applicant shall operate with the approved hours of operation, 7:30 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. All pick-up and drop-off of children shall take place in the two assigned parking spaces, which shall be reserved exclusively for that purpose during hours of operation of the home child care facility. The arrival and departure of children shall be staggered to ensure the assigned parking spaces will be available to accommodate pick-up/drop-off of children.
9. There shall be no signage associated with the home child care facility.
10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
11. The deck shall not be used in any way for the home child care use, including but not limited to use as a play area or for access to the rear yard until approval of the final inspection, which will be obtained within 12 months of approval.
12. The shed shall be locked at all times during the child care facility operation.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, 12 months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

Ms. Theodore seconded the motion, which carried by a vote of 4-0. Mr. Smith and Mr. Beard were absent from the meeting. Chairman Ribble was not present for the vote.

A Copy Teste:


Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals